



Overlook Center - 2nd Floor
100 Overlook Drive
Princeton, NJ 08540
609-924-3333 Main
609-924-4144 Fax
www.postschell.com

Quinn M. McCusker

qmcusker@postschell.com
609-375-2034 Direct
File Number: 134347

October 7, 2009

VIA FAX

The Honorable Tonianne J. Bongiovanni
United States District Court
Clarkson S. Fisher Federal Building &
U.S. Courthouse, Room 6052
402 E. State Street
Trenton, New Jersey 08608

RECEIVED

OCT - 8 2009

AT 8:30 M
WILLIAM T. WALSH
CLERK

RE: Scottsdale Insurance Company vs. Somerville Fidelco Associates, L.P., et al.
DOCKET NO. 07-CV-02763

Dear Judge Bongiovanni:

I represent the plaintiff in the above-referenced matter. As you may recall, the deadline for the plaintiff and the third-party defendants to file their dispositive motions October 9, 2009.

Pursuant to my conversation with your law clerk on today's date, please allow this correspondence to serve as my request to obtain leave to file a brief in excess of the 30-page limit imposed by L.Civ.R. 7.2.

This is a declaratory judgment matter. Scottsdale's motion for summary judgment is based primarily on discovery conducted during an underlying arbitration. Counsel for the parties in the present matter were not involved in this process. The arbitration material consists of an entire box of material and documents, including nine deposition transcripts. Because of this, the Statement of Material Facts is lengthy and comprises a large portion of the brief.

As Scottsdale is required to submit a numbered statement of facts, in order to allow sufficient space for my client's legal argument and analysis, I respectfully request leave to exceed the page limit.

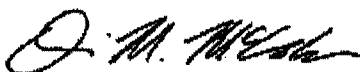
Although I do not anticipate exceeding the limit by more than five (5) pages, at this point, I would ask the court allow me to exceed the limit by ten (10) pages.

The Honorable Tonianne J. Bongiovanni
October 7, 2009
Page 2

I have obtained consent to exceed the page limit from counsel for both direct defendants, Somerville Fidelco and Badger.

Thank you for courtesy and assistance in this matter.

Respectfully submitted,



Quinn M. McCusker

cc: Jay J. Rice, Esquire
Randee Matloff, Esquire
Michael Collins, Esquire
Michael Cohen, Esquire
Melissa Natale, Esquire
Frederic Gallin, Esquire

So Ordered this 7 day
of October, 2009
